

TWIN RIVERS UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 1127

**RESOLUTION OF THE BOARD OF TRUSTEES
APPROVING THE LEASE-LEASEBACK CONSTRUCTION CONTRACT FOR THE
FOOTHILL HIGH SCHOOL AQUATIC COMPLEX**

WHEREAS, the Twin Rivers Unified School District (“District”) plans to construct the Foothill High School Aquatic Complex (“Project”) utilizing the lease-leaseback construction delivery method, whereby the District will lease a site that it owns to a contractor who will construct improvements thereon and lease the project and the underlying site back to the District, and

WHEREAS, Education Code Section 17406 authorizes the governing board of a school district to let to any person, firm or corporation any real property belonging to the District if the instrument by which the property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term of the lease, and provides that title to the building shall best in the school district at the expiration of that term; and

WHEREAS, the award of any lease-leaseback contract pursuant to Education Code section 17406 is to be based on competitive solicitation process to the proposer providing the “best value” to the school district, taking into consideration the proposer’s demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required; and

WHEREAS, pursuant to Education Code 17400(b)(1), “best value” means a competitive procurement process whereby the selected proposer is selected on the basis of objective criteria for evaluating the qualifications of proposers with the resulting selection representing the best combination of price and qualifications; and

WHEREAS, the District’s Board of Trustees has approved the selection of Roebbelen Contracting, Inc. (the “Contractor”) for the Project, based upon Roebbelen’s “best value” proposal, including the Contractor’s relevant experience, safety record, price proposal, and other factors specified by the District; and

WHEREAS, in order to construct the Project using the lease-leaseback delivery method, it is necessary that the District enter into a site lease, in which the site will be eased to the Contractor; a sublease which provides for the sublease of the site and the lease of the project by the Contractor back to the District, and a construction services agreement that contains construction provisions with which Contractor shall comply with respect to the construction of the Project (the Site Lease, Sublease, and Construction Services Agreement are hereinafter collectively referred to as the “Lease-Leaseback Documents” and attached herewith.)

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TWIN RIVERS UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

1. **Recitals.** All the recitals herein contained are true and correct
2. **Approve Not-to Exceed Guaranteed Maximum Price and Award of Lease-Leaseback Contract.** The District's Board of Trustees hereby approves the Not-to-Exceed Guaranteed Maximum Price ("GMP") of **\$12,818,650 (Twelve Million Eight Hundred Eighteen Thousand Six Hundred Fifty Dollars)** and the award of the project to Contractor. The attached Lease-Leaseback Documents are hereby amended to include the GMP and schedule.
3. **Other Acts; Delegations.** The District's Board of Trustees hereby approves a delegation of authority and appoints its Superintendent; or designee of the Superintendent, who is/are authorized and directed to carry out the intent of this Resolution. Said delegation shall be valid until otherwise rescinded by the Board.
4. **Effective Date.** This Resolution shall take effect upon adoption.

RESOLUTION NO. 1127, APPROVED, PASSED and ADOPTED by the Board of Trustees of the TWIN RIVERS UNIFIED SCHOOL DISTRICT, this 4th Day of October, 2022, by the following vote:

Ayes: _____ **Noes:** _____ **Absent:** _____ **Abstained:** _____

I, Michelle Rivas, President of the Twin Rivers Unified School District Board of Trustees, do hereby certify that the foregoing is a full true, and correct copy of the resolution passed and adopted by said Board at a special meeting held on said date, which resolution is on file in office of said Board

Michelle Rivas, President of Board of Trustees

I, Christine Jefferson, Clerk of the Board of Trustees of the Twin Rivers Unified School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Trustees of the Twin Rivers Unified School District at a special meeting thereof held on the 4th day of October, by the foregoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th Day of October 2022.

Christine Jefferson, Clerk of Board of Trustees